



Office of

Attorney's Matters 10/04/2022

**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: The Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBraal, Deputy County Attorney

DATE: September 23, 2022

SUBJECT: Donation of County Property to the Florida Department of Transportation to be Used as Right-of-Way for the Oslo Road/I-95 Interchange Project

The Florida Department of Transportation (FDOT) is in the process of acquiring the property needed for the Oslo Road/I-95 Interchange Project (Project). The Project was approved in 2019 and construction is scheduled to begin in Summer, 2023. FDOT has filed several eminent domain lawsuits against affected property owners and Orders of Take have been entered by the court. Some of the cases have settled, but the majority are now in the discovery process and proceeding to mediation. The estimated total cost of the Project is \$86,000,000 which is funded entirely by FDOT.

The County has been assisting FDOT whenever possible by attending informational meetings and providing input with the redesign of County owned and maintained roads, including 82nd Avenue and Oslo Road. As a result of the construction of the Project, certain easements and rights-of-way will be impacted. The County has been asked to convey this impacted property to FDOT without consideration. The six impacted properties are as follows:

- Parcel 100 is a 0.15-acre strip of property north of Oslo Road and east of the proposed interchange. It is 30' wide and runs along the Lateral "D" Canal north of 86th Street.
- Parcel 114 is a 6.65-acre parcel of property that is 60' wide and consists of what is now is Oslo Road extending from 74th Avenue west to 86th Avenue which is on the west side of I-95.
- Parcel 116 is a 3.017-acre strip of property that is 60' wide running south of the

intersection of Oslo Road and 82nd Avenue for 2,117 feet.

- Parcel 802 is an access easement that is 0.095 total acres in size, made up of two small blocks on 90th Avenue, one on the north and one on the south side of Oslo Road.
- Parcel 809 is a drainage easement 0.034 acres in size and is located on the south side of Oslo Road at the current location of 74th Avenue.
- Parcel 813 is a 1.49-acre access easement 30' wide running along the south side of Oslo Road between 82nd and 74th Avenue.

A color map depicting the parcels is attached to this memo.

For each parcel to be conveyed, the County has been asked to execute the following documents:

- ✓ A Donation of Property to the Florida Department of Transportation Form, waiving our right to an appraisal, compensation and reimbursement for reasonable costs and fees.
- ✓ A County Quit Claim Deed, at FDOT's request, the County will convey these six properties by County Quit Claim deed, even if an easement interest is being conveyed.
- ✓ A Resolution declaring each property is not needed for County purposes and is being conveyed to FDOT for transportation purposes.

In light of the amount of FDOT funds being expended on the Project, staff feels that the County forgoing compensation for conveyance of these parcels will show continued County support for the project. Upon approval and execution of the above referenced documents, they will be sent to FDOT for recording.

FUNDING: There is no expenditure of County funds associated with this matter.

STAFF RECOMMENDATION: Staff recommends the Board approve the Donation of Property to the Florida Department of Transportation Form for each of the six parcels, approve the six Resolutions for the parcels and approve the six County Quit Claim Deeds for the parcels and authorize the Chairman to execute the documents on behalf of the Board.

Attachments: Color Map Depicting Parcels
Six Donation of Property to the Florida Department of Transportation Forms
Six County Quit Claim Deed
Six Resolutions

Copies to: Richard B. Szpyrka, P.E., Public Works Director
Debra Sanchez, Senior Right of Way Agent, FDOT